

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No. 7:18-MJ-1073-RJ-1

UNITED STATES OF AMERICA)	
)	
v.)	<u>ORDER ON PROBABLE CAUSE</u>
)	<u>AND DETENTION</u>
)	
HOWARD JOSEPH BURCHFIELD,)	
)	
Defendant.)	

This matter came before the court for a preliminary hearing on charges contained in a criminal complaint against Defendant and for a hearing on the government's motion, pursuant to 18 U.S.C. § 3142(f), to detain Defendant pending further proceedings. On March 19, 2018, the government charged Defendant with knowingly making a false statement to a federally-licensed firearms dealer intended to deceive with respect to a fact material to the lawfulness of the sale of a firearm, in violation of 18 U.S.C. § 922(a)(6). [DE-1].

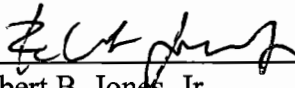
At the hearing the government presented the testimony of FBI Special Agent Blaire Toleman. Defendant, represented by counsel, presented no testimony. The court has considered the hearing testimony, corroborative of the affidavit in support of the complaint, as well as the pretrial services report, which was prepared by the Office of Pretrial Services and made available to the parties in advance of the hearing. The court finds Agent Toleman's testimony to be credible and sufficient to establish probable cause to support the charge contained in the criminal complaint.

Having considered the record pursuant to 18 U.S.C. § 3142(g), the law requires that Defendant be detained pending further proceedings based on the following principal findings and reasons: (1) the nature of the offense charged and the strength of the government's case; (2)

Defendants' mental health history, (3) the lack of a third-party custodian, and (3) other findings and reasons stated in open court.

Accordingly, Defendant is committed to the custody of the Attorney General or a designated representative for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or held in custody pending appeal. Defendant must be afforded a reasonable opportunity to consult privately with defense counsel. On order of the United States Court or on request of an attorney for the government, the person in charge of the corrections facility must deliver Defendant to the United States Marshals for a court appearance.

So ordered, the 23rd day of March 2018.



Robert B. Jones, Jr.
United States Magistrate Judge